

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JOHN HENRY ROHMFELD, JR.,

Plaintiff,

V.

UNITED STATES OF AMERICA,

Defendant.

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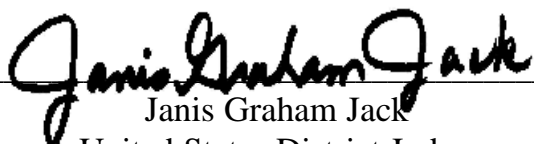
C.A. No. C-07-375

ORDER OF DISMISSAL WITHOUT PREJUDICE

On May 7, 2008, the Clerk received from Plaintiff John Henry Rohmfeld, Jr. a motion to voluntarily dismiss this lawsuit without prejudice. (D.E. 20.) Because the United States has already filed its answer to his complaint, Plaintiff's notice of dismissal is insufficient to dismiss this action without Court action or without agreement from the United States. See Fed. R. Civ. P. 41(a)(1)-(2). On May 8, 2007, Assistant United States Attorney Gerald Doyle informed this Court's case manager that the United States stipulates to the dismissal without prejudice of Rohmfeld's complaint.

Accordingly, Rohmfeld's complaint is hereby DISMISSED WITHOUT PREJUDICE. Additionally, the status conference currently set for May 15, 2008 is hereby cancelled.

It is so ORDERED this 8th day of May, 2008.



Janis Graham Jack
United States District Judge